REMARKS

I. Introduction

By this amendment, claims 5 and 10 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Claim 7 has been amended. For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art reference.

II. Rejection Of Claims 1-3 Under 35 U.S.C. § 102

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Magee et al. (U.S. Patent No. 5,835,493). Applicants respectfully traverse the rejection for at least the following reasons.

Claims 1 recites, in part, a stream converting method that separates a first transport stream into a first TS packet string formed from TS packets that have a prescribed packet identifier of at least one of video data and audio data and a second TS packet string formed from TS packets that do not have the prescribed packet identifier, converts the bit rate of the first TS packet string so as to produce a third TS packet string, and multiplexes the third TS packet string with a converted bit rate with the second TS packet string to produce a second transport stream.

Turning to the cited prior art, it is asserted that Magee discloses, at col. 9, lines 22-28, the foregoing claim elements. Magee teaches a method and system to remultiplex a transport stream that "selectively include one or more programs, or elementary streams of programs" by utilizing "the PIDs ... as a basis of extracting, capturing, discarding, and replacing inputted transport packets" (see column 8, lines 3-8). According to Magee, "a remultiplexer is provided for communicating plural programs", which are originated "from plural input transport streams that

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each comprises plural transport packets" (column 6, lines 42-48). As disclosed in Magee, "each received transport stream contains one or more programs ... [,] each program includes one or more ESs, e.g., a video ES, an audio ES, ... a data ES ..., etc. The packets which carry a given ES are assigned a PID that is unique within that individual transport stream" (see column 9, lines 36-44). In addition, "MPEG-2 requires that each PID be unique to its contents within its respective transport stream" (see column 12, lines 7-8), "however, ... two transport streams received at different DLMs 110 of the remultiplexer may use the same PIDs to refer to different contents. To solve such problems, the DLM 110 can achieve a remapping of PIDs of transport packets received ... the processor 131 transfers a new PID for each PID for each PID of each transport packet to be captured or transferred. ... When the transport packet is received, the new PID is substituted for the old PID prior to capture or transfer" (see column 12, lines 9-23). Magee further discloses that "The processor 131 ... downloads to the DLM 110 ... a transfer indication for each of the PIDs corresponding to transport packets to be remultiplexed ... For each other PID, no such indication is provided ... The DLM 110 receives each transport packet of each inputted transpoprt stream in parallel. ... retrieves the indications corresponding to the retrieved PID to determine what action is to be performed on the transport packet based on the capture and transfer indicators. ... Thus, the remultiplexed transport stream contains only selected transport packets for which a transfer indication was provided" (column 9, lines 41-67, and column 10, lines 2-4). That is, Magee teaches how to <u>select a desired program from a plurality of programs received in parallel</u> based on <u>remapped PIDs that uniquely identify individual transport packets</u> corresponding to each desired ES. Importantly, Magee <u>does not</u>, after selecting an ES based on a remapped PID, <u>perform a bit rate conversion on the selected ES</u>, as recited in claim 1.

The Examiner cited a portion of Magee (column 3, lines 39-41) to support his assertion that Magee teaches bit rate conversion. The problem Magee attempted to solve is to select one or more desired programs from a plurality of programs received in parallel by remultiplexing transport streams. Magee is silent as to reducing the bit rate of such a selected data stream. The Applicants respectfully point out that the bit rate conversion operation, as recited in claim 1, is performed on a bitstream or on packets. The Examiner cited Magee as follows: "performs different kinds of analysis and modification of the imputed digital video such as sample rate conversion" and asserted that it can be understood as a method of converting the bit rate of a digital signal. The Applicants respectfully point out that the cited description refers to operations performed by a video preprocessor module 17, which is for pre-processing of video performed prior to the video signal being encoded. As can be clearly seen in Fig. 1 of Magee, the output of the video preprocessor module 17 is fed to a video encoder 19. The video data encoding is not even started until after the video preprocessor module 17 completes its operation. That is, the video preprocessor module 17 does not operate on an encoded (or compressed) bitstream and certainly not on packet data (packetizing occurs after encoding). As stated above, Magee merely selects one or more desired programs from a plurality of programs received in parallel based on remapped PIDs and then remultiplexes the selected streams. Magee fails to disclose a bit rate conversion performed on a selected TS packet string, as recited in claim 1.

In addition, the sample rate conversion as described by Magee is discussed as a part of background or a prior art encoder instead of part of Magee's invention. That is, the disclosed sample rate conversion is not an operation performed by Magee. Anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp., 713*

F.2d 760, 218 USPQ 781 (Fed. Cir. 1983). As such, the Examiner's assertion that bit rate conversion is anticipated by Magee is improper.

Since Magee fails to disclose the foregoing claim elements, Magee does not anticipate claim 1. Thus, claim 1 is patentable over Magee. Therefore, the Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Claim 3 depends from claim 1, it is patentable for the reasons stated above with respect to claim 1 and for additional features recited therein. Specifically, claim 3 recites "delaying reference time ... by a prescribed time so as to produce delayed reference time". Magee provides a solution to a "jitter" problem caused due to having multiple transport streams being received in parallel on a single bus "DM" (see column 12, lines 24-27, column 12, lines 37-41). Magee, at best, discloses that the packets carrying the PCR are delayed (see Column 12, lines 36-37) and does not disclose or suggest that the PCR itself is delayed, as required by the claim language "delaying reference time". Furthermore, nowhere in Magee, it is disclosed how an updated PCR is used to synchronize two different TS packet strings by matching the updated PCR against some other time measure, as recited in claim 3. That is, at least, the feature "the delayed reference time matches the second time", as recited in claim 3, is absent in Magee. It is accordingly requested that rejection of claim 3 under 35 U.S.C. § 102(b) be withdrawn. Claim 3 is now in condition for allowance.

III. The Rejection Of Claims 4-5 and 7-10 Under 35 U.S.C. § 103

In Section 5 of the Office Action, claims 4-5 and 7-10 are rejected under 35 U.S.C. § 103 as being unpatentable over Magee et al. The Applicants respectfully traverse this rejection for at least the following reasons.

Claims 5 and 10 have been cancelled by this amendment. Therefore, the rejection of claims 5 and 10 is moot.

Claim 4 recites "converting a bit rate of the first TS packet string so as to produce a third TS packet string". As discussed above with respect to claim 1, Magee fails to teach and suggest bit rate conversion on a selected TS packet string. Since what Magee solves is to select one or more desired programs from a plurality of transport streams received in parallel, there is no motivation for Magee to teach or suggest performing a bit rate conversion on a selected TS packet string. Similarly, claims 8 and 9 recite "a bit rate conversion section". For the same reasons discussed above, Magee does not have any motivation to suggest a bit rate conversion. Thus, there is no motivation that Magee suggests "a bit rate conversion section". Therefore, a *prima facie* case of obviousness can not be established with respect to claims 4, 8, and 9.

In addition, claims 4 and 9 also recite "delaying reference time ... by a prescribed time so as to produce delayed reference time". As discussed above with respect to claim 3, Magee merely attempted to provide a solution to a "jitter" problem caused due to having multiple transport streams being received in parallel on a single bus. Magee fails to disclose or suggest that the PCR itself is delayed, as required by the claim language "delaying reference time ... to produce delayed reference time." Since Magee does not address the problem of re-synchronizing a TS packet string with a converted bit rate with another TS packet string, there is no motivation for Magee to suggest to modify the PCR itself for re-synchronization. Without such required motivation, a *prima facie* case of obviousness can not be established with respect to claims 4 and 9.

As each and every limitation must be either disclosed or suggested by the cited prior art in order to establish a prima facie case of obviousness (see **M.P.E.P. §2143.03**) and Magee fails to disclose or suggest every limitation as claimed in claims 4, 8, and 9, the Applicants respectfully request that rejection of claims 4, 8, and 9 under 35 U.S.C. §102 be withdrawn.

Claim 7 depends from claim 4. Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co., 819 F.2d at 1100, 1108 (Fed. Cir. 1987).* Accordingly, it is respectfully submitted that claim 7 is also in condition for allowance.

For all of the foregoing reasons, it is submitted that claims 1, 3, 4, 7-9 are patentable over the cited prior art. Accordingly, it is respectfully submitted that the rejections of claims 1 and 3 under 35 U.S.C. § 102 and claims 4-5 and 7-10 under 35 U.S.C. § 103 have been overcome.
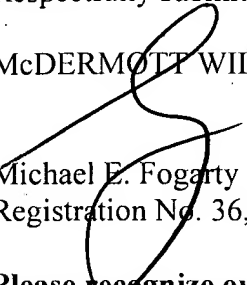
IV. Conclusion

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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